

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

David V. Anderson,

Plaintiff,

vs.

Alex Schweitzer, Superintendent of the
North Dakota State Hospital,
Department of Human Services,
Deb Essinger, an employee of the state of
North Dakota, and the State of North
Dakota

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATIONS**

Civil No. 3:10-cv-33

Plaintiff David V. Anderson submitted a *pro se* complaint pursuant to 42 U.S.C. § 1983. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that:

1. The complaint against the State of North Dakota be dismissed with prejudice;
2. The complaint against Alex Schweitzer and Deb Essinger in their official capacities be dismissed with prejudice;
3. Plaintiff's claim that his constitutional rights were violated when defendants prohibited him from working be dismissed with prejudice; and
4. Plaintiff's claim that defendants denied him meaningful access to the courts be dismissed with prejudice.

No party has objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth herein, the complaint against the State of North

Dakota **IS DISMISSED** with prejudice; the complaint against Alex Schweitzer and Deb Essinger in their official capacities **IS DISMISSED** with prejudice; Plaintiff's claim that his constitutional rights were violated when defendants prohibited him from working **IS DISMISSED** with prejudice; and Plaintiff's claim that defendants denied him meaningful access to the courts **IS DISMISSED** with prejudice.

IT IS SO ORDERED.

Dated this 26th day of August, 2010.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief District Judge
United States District Court For the reasons set